IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.33394 of 2008
PRADDIP KUMAR SHRIVASTAVA @ PRADDIP KUMAR SRIVASTAV
Versus
STATE OF BIHAR
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2. 15.9.2008. Heard learned counsel for the petitioner and the State.

The petitioner is an Executive Engineer posted at Rural Works Department, Government of Bihar, Patna. The allegation is that no work of sand filling was executed in widen portion of Khatiba Sarerja via Kukura High School Road but a sum of Rs.3,22,272/-was paid to the contractor by making incorrect entry in measurement book

Learned counsel for the petitioner submits that final payment is still to be made and so far as allegation is concerned it is premature. It has also been submitted that the department who is making such allegation is duty bound to collect the sample and to send for laboratory test. In this case there is no such report. In such a situation such allegation should be presumed to be imaginary.

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Considering the facts and circumstances of the case, the prayer for grant of anticipatory bail is allowed subject to the condition that the petitioner will co-operate in investigation and the defence which he has taken regarding non-submission of laboratory report he will try to impress upon and take steps for proper investigation in this regard. The petitioner Praddip Kumar Shrivastava @ Praddip Kumar Srivastav is directed to surrender before the Chief Judicial Magistrate, Buxar within a period of four weeks from today and on his so surrendering he shall be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate,

Buxar in connection with Itarhi P.S.Case No.50 of 2008 subject to the conditions as laid down under section 438(2) Cr.P.C.

Md.S. **(Mridula Mishra,J.)**

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